

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Court Review: The Journal of the American
Judges Association

American Judges Association

2017

The Resource Page Volume 53 Page 88

Follow this and additional works at: <https://digitalcommons.unl.edu/ajacourtreview>

"The Resource Page Volume 53 Page 88" (2017). *Court Review: The Journal of the American Judges Association*. 618.

<https://digitalcommons.unl.edu/ajacourtreview/618>

This Article is brought to you for free and open access by the American Judges Association at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Court Review: The Journal of the American Judges Association by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.



The Resource Page



NEW PUBLICATIONS

ENHANCING JUSTICE: REDUCING BIAS (Sarah E. Redfield, ed.). American Bar Ass'n, 2017. 400 pp. (\$79.95). <https://goo.gl/WTxW7X>

The American Bar Association has published a new book on the intersection of implicit bias and the justice system. It's a multi-author effort, with different authors for each of 15 chapters.

Several of the chapters are by nationally recognized scholars who have provided an up-to-date summary of the latest research on implicit bias as it relates to the court system. For example:

- Professors Justin D. Levinson, Danielle M. Young, and Laurie A. Rudman take on what is perhaps the book's biggest lift—an overview of the social science about implicit bias. They explain research suggesting that when implicit stereotypes are activated in the human mind, we are prone to making critical mistakes. They also provide detailed examples and evidence showing how implicit bias leads to a variety of discriminatory outcomes, including legal ones.
- Professor Jeffrey J. Rachlinski and U.S. District Magistrate Judge Andrew Wistrich take on a more focused look at how implicit bias affects judicial decision making. Along with Vanderbilt Law Dean Chris Guthrie (and sometimes additional researchers), Rachlinski and Wistrich have been studying what can lead to cognitive errors among judges for more than a decade. In their chapter, they bring together the research about how implicit bias affects judges; they also discuss practical steps judges can take to reduce the risk that implicit bias may taint judicial decisions.

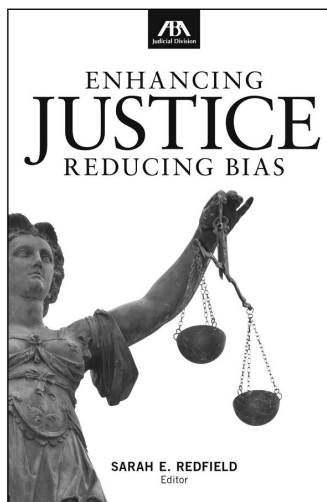
In addition, several judges explore these issues from a judicial perspective:

U.S. District Judge Mark W. Bennett, a thought leader on the federal bench, talks about a number of innovative approaches he has tried in his courtroom to overcome implicit bias. He also discusses how he has

seen evidence of bias in his more than two decades on the federal bench.

Cook County (Illinois) Circuit Judge Sophia H. Hall, a state-court judge with more than three decades on the bench, provides suggestions for judicial leadership aimed at combatting implicit bias. She gives specific suggestions for managing meetings with diverse participants to discuss these hot-button topics.

Kansas Court of Appeals Chief Judge Karen Arnold-Burger, consultant Jean Mavrelis and attorney Phyllis B. Pickett discuss opportunities for community outreach that would open dialog between judges and community members about perceptions of justice. They also suggest training approaches that would make implicit-bias training for judges and court staff more effective.



Judge Bernice Donald of the U.S. Court of Appeals for the Sixth Circuit and Professor Sarah Redfield, the book's editor, frame the book's other chapters with an early chapter defining and providing an overview of basic concepts, including implicit bias, "ingroup" and "outgroup" responses, and "micromessaging." They also explain their own personal journeys of discovery about implicit bias.

The book also includes an overview of procedural fairness (also known as procedural justice) written by former American Judges Association presidents Kevin Burke and Steve Leben. Burke and Leben suggest that adherence to procedural-fairness principles may help to lessen the effects of implicit bias in the courtroom.

Most of the book's chapters also provide places a reader may go to learn more about the topic.

PAMELA CASEY, JENNIFER ELEK & ROGER WARREN, AN EVIDENCE-BASED APPROACH TO PROMOTING & ENFORCING COMPLIANCE WITH CONDITIONS OF PROBATION & SUPERVISION. National Center for State Courts, Center for Sentencing Initiatives, 2017. 5 pp. <https://goo.gl/41z3Mh>

The National Center for State Courts' Center for Sentencing Initiatives periodically issues short reports—aimed at the judicial audience—on key questions involved in criminal sentencing. These reports are highly readable and contain conclusions that are backed up by extensive research that's cited in footnotes (usually with links where the underlying reports can be found on the Internet).

The latest report covers how to best set up probation terms and supervision to gain offender success on probation. The brief report gives research-based answers to eight key questions:

- What are the overall goals of effective probation supervision?
- What works to promote compliance with the terms and conditions of probation?
- What works in sanctioning violations?
- What are administrative sanctions?
- Is the availability of risk-and-needs-assessment (RNA) information helpful in responding to violation?
- How do probation agencies ensure that the system of rewards and sanctions is administered with consistency, transparency, and fairness?
- What are the specific factors that should be considered in determining an appropriate response to a violation in an individual case?
- When is revocation an appropriate response to a violation?

If these questions seem relevant to your daily work—and you'd like to read some research-based answers—head over to the Internet link listed above to take a look at the report. The Center for Sentencing Initiatives is funded in part by The Pew Charitable Trusts.